

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2007-14-C - ORDER NO. 2007-67  
JANUARY 29, 2007

IN RE: Petition of US LEC of South Carolina, Inc. for Expedited Review of Central Code Denial by the Number Pooling Administrator in the Summerville Rate Center.	) ORDER REVERSING ) NEUSTAR DECISION ) AND GRANTING ) CONFIDENTIAL ) TREATMENT
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Expedited Review of the Number Pooling Administrator's (NeuStar's) denial of US LEC of South Carolina, Inc.'s (US LEC's or the Company's) request for use of central office code numbering resources in the 843 area code serving area.

The Federal Communications Commission (FCC) has set a "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must establish that existing inventory within the carrier's rate center will be exhausted within six months of their code application (months-to-exhaust or MTE), and the carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources. The utilization threshold has increased by five percent per year, and has now reached the maximum of 75 percent. Based on the FCC's orders, carriers must meet both the six-month MTE requirement and the 75 percent utilization threshold on a rate center basis in order to obtain numbering resources.

On or about December 21, 2006, according to US LEC, the Company submitted a Central Office Code (NXX) Assignment Request to NeuStar for the assignment of one (1) 1,000 number block of NXX resources not beginning with 0000, 1000, or 9000 in the Summerville Rate Center necessary to meet the telephone number needs of one of US LEC's large business customers. As US LEC does not have existing numbers to meet the customer's request, a one thousand number block with the same NXX is needed. This customer requires the NPA-NXX resources to support its network of telephone numbers and requires the use of certain ranges of number blocks to augment its current numbering arrangement. At the time of the filing of the code request, US LEC's numbering resources exhaust date was 34.338 months. NeuStar calculates US LEC is currently operating at a utilization rate of 4.617 percent. Despite the current level of utilization, US LEC states that it is unable to provide the requested 1,000 number block in an existing NXX in the switch that serves the US LEC customer within the Rate Center.

NeuStar denied US LEC's request because US LEC did not meet the utilization parameters set forth in the Central Office Code (NXX) Guidelines. US LEC notes that if it is not assigned the NXX thousand number block needed to meet the customer's request, it will be unable to provide telecommunications services requested by the customer.

According to US LEC, both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. Further, under previous procedures used by the North American Numbering Plan

Administration (NANPA), waivers or exceptions were typically granted in any case where customer hardships could be demonstrated or where the service provider's inventory did not have a block of numbers large enough to meet the customer's specific request. Under existing procedures, however, NeuStar looks at the MTE criteria and utilization threshold for the entire rate center and allows no exceptions. By refusing to consider the circumstances of each case, NeuStar's procedure, according to US LEC, may result in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust. US LEC states that its inability to provide this large business customer with the requested numbers prevents US LEC from providing the quality of service this customer desires and expects. US LEC further states that both the FCC Order on the matter and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources.

US LEC therefore requests that this Commission act within its authority to grant the numbering resources on several grounds. Among other grounds, US LEC notes that NeuStar's decision to withhold numbering resources from it interferes with its ability to provide telecommunication services to its customers as required under South Carolina law.

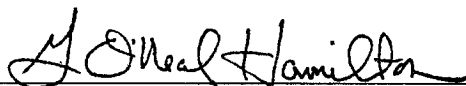
Further, the Office of Regulatory Staff (ORS) states a belief that the public interest will be served by granting US LEC's Petition.

We agree and hereby grant US LEC's request. We hold that US LEC has demonstrated receipt of a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. NeuStar is hereby directed to approve US LEC's code assignment request originally submitted on or about December 21, 2006, for the assignment of one (1) 1,000 number block of NXX resources not beginning with 0000, 1000, or 9000 in the Rate Center necessary to meet the telephone number needs of one of US LEC's large business customers in the Summerville, South Carolina Rate Center as soon as possible. We believe that the additional numbering resource is necessary to meet the legitimate demands of US LEC's customer for telecommunications service.

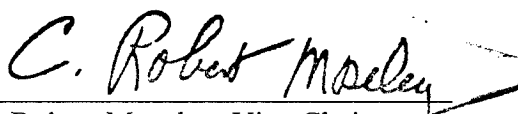
We would note further that US LEC has moved for confidential treatment of Exhibits D and E to its Application as trade secrets. US LEC considers the information contained in this Exhibits to be commercially-sensitive, proprietary, and that public disclosure of this information may result in direct, immediate, and substantial harm to the competitive position of US LEC in South Carolina. We have examined the material under consideration, and we agree with the Company. Accordingly, Exhibits D and E are hereby held to be confidential as Trade Secrets.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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G. O'Neal Hamilton, Chairman

ATTEST:

  
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C. Robert Moseley, Vice Chairman

(SEAL)